

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

JUAN JOSE LAJARA,

Defendant.

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

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DATE FILED: 11/15/20

00-cr-216 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On April 5, 2001, Juan Jose Lajara pled guilty to a RICO charge based on two underlying racketeering acts: conspiracy to murder and conspiracy to kidnap. The kidnapping occurred during the commission of and in connection with the crime of possession with intent to distribute one kilogram of cocaine. Based on these racketeering acts, Lajara was sentenced to a total of 240 months imprisonment. Lajara now moves under 18 U.S.C. § 3582(c)(1)(B) for a reduction in the term of his imprisonment based on Section 404(b) of the First Step Act of 2018, P.L. 115-391, § 404(b), 132 Stat. 5194, 5220 (2018). Lajara also moves for the appointment of counsel to supplement this motion.

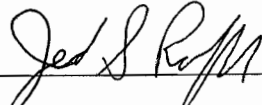
Under the First Step Act and Section 3582(c)(1)(B), courts may reduce the sentences of defendants who were sentenced without the benefit of the Fair Sentencing Act only "to the extent" those defendants' statutory sentencing exposure would be different under the Fair Sentencing Act's modified drug weight thresholds. See 18 U.S.C. § 3582(c)(1)(B) (providing that a

court "may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute"); First Step Act of 2018, P.L. 115-391, § 404(a)-(b) (permitting a court to "impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 . . . were in effect at the time the covered offense was committed").

The Fair Sentencing Act would have no such impact on Lajara's sentence. Although Lajara's kidnapping charge was drug-related, this fact had no impact on his sentence. Lajara's Guidelines range was based solely on the conspiracy to murder racketeering act because it had the highest offense level of 43. Because the offense level of the kidnapping act was eleven levels less serious, it was disregarded. Accordingly, resentencing is not warranted under the First Step Act and Lajara's motions are hereby denied.

SO ORDERED.

Dated: New York, NY  
January 13, 2020

  
JED S. RAKOFF, U.S.D.J.